

PURPOSE: To ensure compliance with Federal Regulations and to assure the confidentiality of applicant and client information.

A. POLICY:

1. WIC agencies shall assure privacy when performing the following:
 - a. Income determination
 - b. Anthropometric and laboratory procedures
 - c. Obtaining medical history
 - d. Client counseling.
2. A WIC client or the authorized person of a minor client shall have access to, and may receive, a copy of the specified individual's WIC record upon written request.
3. WIC records/charts/files and/or related data shall be stored in a secure manner. All records and reports that contain confidential client information should be stored/kept in a locked area, and when in use, records/reports shall be kept under direct supervision at all times. WIC staff who have access to the WIC client's record/chart/data by virtue of their involvement in the day-to-day operation of the WIC program, must be advised of the requirement to keep confidential the information in the client's record/chart and to sign written agreements to that extent. (See Policies 10.03 System Security and 10.04 MI-WIC Access)
4. WIC records shall be available only to persons directly affiliated with administration of the WIC Program at the local, state or federal level.

Exceptions include:

- a. The client's physician or health care provider.
- b. Reporting of Suspected Child Abuse
This action does not constitute a violation of confidentiality provisions. Information may be released to an agency in cases of reporting suspected child abuse (under the State of Michigan Child Protection Law, Act No. 238, Public Acts of 1975, as amended, Sections 722.621-722.636, Michigan Compiled Laws). Refer to Policy 6.06 Reporting of Suspected Child Abuse.
- c. Valid Subpoena
Information may be released to individuals or agencies who submit a valid subpoena, provided a determination by legal counsel has been made in accordance with WIC Regulations Section 246.26 (d) and FNS Instruction 800-1 that the person making the request has the legal authority to waive confidentiality requirements.

d. Signed Release

Information may be released to individuals or agencies that submit a signed release by the client or the client's legal guardian. Requests for release of information shall be retained according to local agency policy.

NOTE: Documentation of record request by subpoena, signed release, etc. shall be maintained in the client's file.

e. Memorandum of Understanding (MOU)

Information may be released if an interagency agreement or Memorandum of Understanding (MOU) has been executed between the Michigan Department of Community Health and a public agency or program that administers a health or welfare program serving persons eligible for the WIC Program. All WIC applicants/clients/authorized persons shall be informed of these agreements and give their written consent on the Michigan WIC Client Agreement as a condition of participation in the WIC program. Michigan Department of Community Health has MOU's with the following programs:

- Michigan Department of Education/CSFP
- Michigan State University Extension/ Breastfeeding Peer Counselor Program and EFNEP/FNP

5. Research requests and requests for data in aggregate or summary form may be granted when the released information excludes any items that would identify the WIC program's client or applicant, and the request for research or data has been reviewed by the MDCH Institutional Review Board.
6. Unanswered questions as to who may have access to client's records shall be referred to the local agency's legal counsel.
7. Requests for mailing labels from programs that have an MOU with WIC may be granted unless the WIC client has indicated in MI-WIC that they do not wish WIC mailings.

B. GUIDANCE

1. A signed release may be scanned into MI-WIC.
2. Subpoenas and reports of suspected child abuse may be retained in a centralized file.

Reference:

Federal Regulations 246.26
State of Michigan Child Protection Law, Act No. 238, as amended
Sections 722.621-722.636 Michigan Compiled Laws
FNS Instruction 800-1

Cross Reference:

6.06 Reporting Suspected Child Abuse
6.06A Summary of Act 238 of 1975